

NTSB Order No. EA-4924

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 31st day of October, 2001

Respondent .

Docket SE-15858

By orders dated March 8 and March 14, 2000, Administrative Law Judge William E. Fowler, Jr., granted a motion by the Administrator for dismissal of an appeal filed by respondent as untimely.¹ The law judge concluded that respondent had not shown good cause for his tardiness in seeking review from a revocation order issued by the Administrator on January 5, 2000.² For the

²The revocation order alleges the applicability of Federal

following reasons, the appeal will be denied.³

The Board's Rules of Practice, a copy of which was sent to the respondent, for the most part limit the matters the Board will entertain on an appeal to those that draw in question the legal or factual validity of the law judge's disposition of a case.⁴ In this case, that means that the respondent's task was to demonstrate that the law judge erred in concluding that the lateness of his appeal from the revocation order was not excusable for good cause shown. However, the document we have treated as respondent's combined notice of appeal and appeal brief makes no effort to set forth detailed objections to the law judge's decision. Rather, it simply contains arguments that, aside from having not previously been put before the law judge for resolution, challenge, on various procedural and constitutional grounds, the Administrator's authority to prosecute the action.

It follows that respondent's appeal must be denied, for it

(..continued)

Aviation Regulation ("FAR") section 61.15(a)(2), which provides for the suspension or revocation of any airman certificate held by an individual who has been convicted of various illicit-drug offenses. The Administrator's order revoked respondent's mechanic certificate (No. 002032730).

³The Administrator has filed a reply opposing the appeal.

⁴Specifically, Section 821.49(a), 49 C.F.R. Part 821, provides that the Board will "only" consider these issues:

- (1) Are the findings of fact each supported by a preponderance of reliable, probative, and substantial evidence?
- (2) Are conclusions made in accordance with law, precedent, and policy?
- (3) Are the questions on appeal substantial?
- (4) Have any prejudicial errors occurred?

does not identify any reason why the law judge's decision on the Administrator's motion to dismiss the appeal as untimely should be disturbed.

ACCORDINGLY, IT IS ORDERED THAT:

1. The respondent's appeal is denied⁵; and
2. The orders of the law judge are affirmed.

BLAKEY, Chairman, CARMODY, Vice Chairman, and HAMMERSCHMIDT, GOGLIA, and BLACK, Members of the Board, concurred in the above opinion and order.

⁵For purposes of this order, respondent must physically surrender his mechanic certificate to a representative of the Federal Aviation Administration, pursuant to 14 C.F.R. 61.19(f).